

App No 34980

VOLUNTARY AGREEMENT

THIS AGREEMENT made this 31st day of July, 1997, by and between Lauriol Plaza, Inc. ("Applicant") and Maria L. Haber, John H. Hammer, Peter L. Klempay and F. Carl Matthaei, III ("Protestants").

WITNESSETH

WHEREAS, Applicant has entered into a lease for the property located at the corner of 18th and T Street, NW, sometimes known as 1835 18th Street, NW (the "Premises"), and plans to construct a restaurant with parking (the "Project");

WHEREAS, Applicant has applied for approval for transfer of a retailer's license class CR issued by the Alcoholic Beverage Control Board of the District of Columbia to the Premises for the operation of the restaurant known as Lauriol Plaza, currently located and operated at 1801 18th Street, NW, Washington, DC; and

WHEREAS, the parties have agreed to enter into this Voluntary Agreement and to request the Alcoholic Beverage Control Board to approve the issuance of Applicant's transfer application condition upon Applicant's compliance with the terms of this written Agreement.

NOW, THEREFORE, in consideration of the recitals set forth above and the mutual covenants and conditions set forth below, the parties agree as follows:

1. The recitals set forth above are incorporated by reference.
2. Applicant agrees that in the construction of its new restaurant and development of the property, the "Garden Wall" designated and identified on the plan attached hereto as Exhibit A, shall extend from the T Street entrance to the parking area to the western wall of the house located at 1778 T Street, NW, Washington, DC. In addition, the gate to the parking area entrance from T Street shall be kept closed, except for ingress and egress of vehicles, during all hours that the restaurant is closed to the public.
3. Applicant shall contract with a trash company to have trash picked up from the Premises at least once per day, including Sundays. The contract shall provide that the trash contractor shall access the loading dock of the Premises from the alley running along the south side of the Premises and that the trash contractor shall not enter or exit the lot upon which the Premises is located from the T Street parking entrance and shall only remove trash from and around the premises between 7:00 a.m. and 10:00 a.m.

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P. C. Klempay
J. H. Hammer
J. H. Hammer

4. Applicant shall use its best efforts to have an area on 18th Street adjacent to the Premises designated as a "Loading Zone" as soon as existing regulations allow. Applicant shall require liquor distributors, food purveyors and other vendors to unload trucks in the loading zone and transport the materials by hand truck or cart to the front entrances or the service entrance located in the rear of the building. Applicant will not use T Street for any and all trucks serving the Premises.

5. Applicant shall improve the appearance of the house located at 1778 T Street, NW as follows:

A. The existing wire fence will be replaced with an iron ornamental fence and the barbed wire fence in the backyard will be removed.

B. The exterior facade of the house shall be painted.

C. A garden area will be developed in front of the house consistent in appearance and location with the existing garden adjacent to the north boundary of the Premises on T Street.

6. Applicant shall retain and maintain the existing garden on T Street adjacent to the Premises except for that portion of the garden to be removed in connection with access to the parking area.

7. Protestants hereby withdraw their protest and join with Applicant in requesting the Alcoholic Beverage Control Board to accept this Agreement as a condition of approval to the transfer of Applicant's license. Protestants also agree to support Applicant's public space permit application for sidewalk cafe use on the 18th Street side of the Premises as shown on Exhibit A and any permits or approvals which Applicant may seek in connection with the continuing the current use for parking of the residential lots adjacent to the Premises including approval by the Board of Zoning Adjustment.

8. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which, when taken together, constitute one and the same document. The signature of any party to any counterpart shall be deemed a signature to, and may be appended to, any other counterpart.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

F&B mlt
P. H.
AK JTH

WITNESS:

Andrew J. Kline
Andrew J. Kline

APPLICANT:

LAURIOL PLAZA, INC.

By: Raul Sanchez
Raul Sanchez, President

PROTESTANTS:

Lewis J. Saret
Lewis J. Saret

Maria L. Haber
Maria L. Haber

Lewis J. Saret
Lewis J. Saret

John H. Hammer
John H. Hammer

Lewis J. Saret
Lewis J. Saret

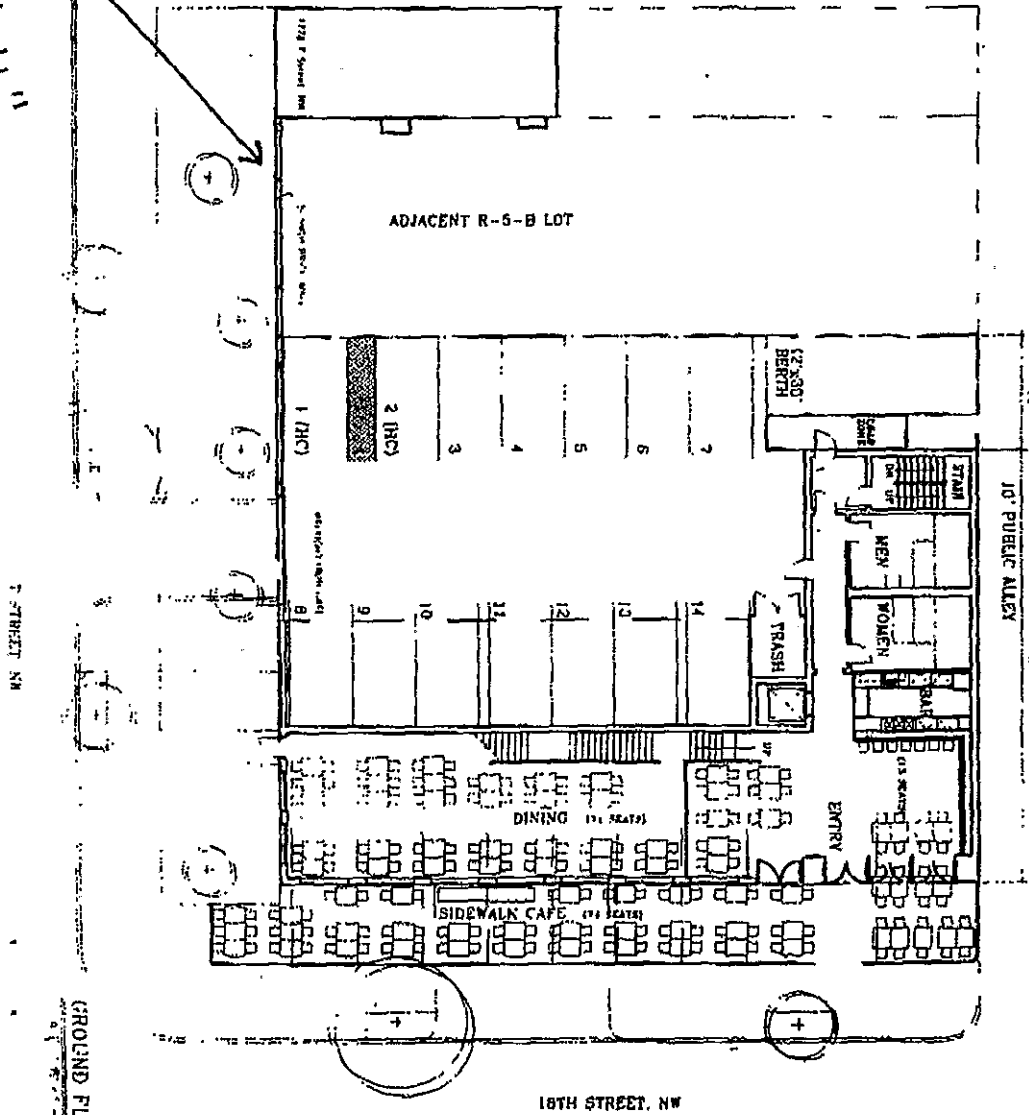
Peter L. Klempay
Peter L. Klempay

P. R. Braden
P. R. Braden

F. Carl Matthaei III
F. Carl Matthaei III

Exhibit A

"Garden Wall"



T-201

NO.	DESCRIPTION
1	EXHIBIT A
2	PLAN
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L'AURIOL PLAZA
RESTAURANT
18TH and T STREETS, NW
WASHINGTON, DC 20009

CARLOS PONAS architectural services
SINGLETARY PUEDA architects
Second Floor
13 CONNERSVILLE AVENUE NW
WASHINGTON, DC 20009
TEL 202 265 9190
FAX 202 265 9187

Mr. L. H.
R. P. H.
J. H. H.

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Lauriol Plaza, Inc.
t/a Lauriol Plaza

Application for a Retailer's License
Class CR - transfer to new location
at premises
1835 18th Street, N.W.
Washington, D.C.

App. No. 34980-97045P

Isaac Long, on behalf of the 1700 Block of Swann Street, Martha Logan, F. Carl Matthei, III, and Maria Haber, Protestants

Andrew Kline, Esquire, on behalf of Applicant

**BEFORE: BARBARA L. SMITH, ESQUIRE, CHAIR;
DENNIS BASS, MEMBER;
ALLEN BEACH, MEMBER;
MARY EVA CANDON, ESQUIRE, MEMBER;
LAVERNE KING, MEMBER;
EYDIE WHITTINGTON, MEMBER;
DUANE WANG, MEMBER**

ORDER ON A WITHDRAWN PROTEST

The application, having been protested came before the Board for public hearing on June 11, 1997 and was continued until June 25, 1997, in accordance with D.C. Code Section 25-115(c)(5)(1996 Supp.), providing for remonstrants to be heard. Isaac Long, on behalf of the 1700 Block of Swann Street, Martha Logan, F. Carl Matthei, III, and Maria Haber filed timely protests by letters dated May 26 and May 27, 1997.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the Agreements dated July 31, 1997 and September 24, 1997, the protestants have agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned.

Lauriol Plaza, Inc.
t/a Lauriol Plaza
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Accordingly, it is this 29 day of April 1998, **ORDERED**
that:


1. The protests of Isaac Long, on behalf of the 1700 Block of Swann Street, Martha Logan, F. Carl Matthei, III, and Maria Haber, be, and the same hereby, are **WITHDRAWN**;
2. The above-referenced Agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of Lauriol Plaza, Inc. t/a Lauriol Plaza for a retailer's license class CR - transfer to a new location at premises 1835 - 18th Street, N.W., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestants, the Attorney for the Applicant, and the Applicant.

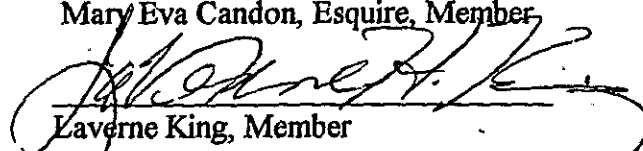
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD


Barbara L. Smith, Esquire, Chair


Dennis Bass, Member


Allen Beach, Member


Mary Eva Candon, Esquire, Member


Laverne King, Member


Duane Wang, Member


Eydie Whittington